

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 30 2001

In the Matter of

Amendment of Section 73.622(b)
Table of Allotments,
Digital Television Broadcast Stations
(Jackson, Mississippi)

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MM Docket No. 01-43
RM-10041

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Video Services Division
Mass Media Bureau

REPLY COMMENTS
OF CIVIC LICENSE HOLDING COMPANY, INC.

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SUMMARY

By these reply comments, Civic License Holding Company (“Civic”) urges the Commission to grant the proposed channel substitution for WLBT-DT (or the “Station”), to deny the Comments in Opposition to Rule Making filed by Gene A. Blailock (“Blailock Opposition”), and to deny the Counterproposal to the DTV channel change filed by Vicksburg Channel 35 Associates, LLC (“Channel 35 Associates Counterproposal”). Civic also amends its Comments to state that Civic will seek authority to increase power to 18 kW ERP, instead of 20 kW ERP, pursuant to the interference agreement provisions of 47 C.F.R. § 73.623(g).

The Blailock Opposition argues that because its low power station WBMS-LP is eligible for Class A status, the station is protected from displacement by WLBT-DT’s channel change and maximization. Contrary to Blailock’s assertions, WLBT-DT’s proposed channel substitution is protected under the Community Broadcasters Protection Act (“CBPA”) because Civic timely filed a bona fide maximization application. Moreover, grant is permitted because Civic is seeking to resolve technical problems. Accordingly, WBMS-LP may not interfere with the maximized facilities of WLBT-DT on Channel 9, and the Commission should deny the Blailock Opposition.

The Channel 35 Associates Counterproposal proposes the assignment of Channel 9 to their proposed new analog broadcast station instead of to WLBT-DT. Under the Commission’s rules and policies, however, proposals submitted by existing analog stations with paired DTV allotments, such as WLBT-DT, have priority over proposals submitted by new analog stations. Accordingly, the Commission should deny the Channel 35 Associates Counterproposal as inferior to WLBT-DT’s proposal and grant Civic’s proposal as set forth in the *Notice*.

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Washington, D.C. 20554**

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To: Chief, Video Services Division
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REPLY COMMENTS OF CIVIC LICENSE HOLDING COMPANY, INC.

Civic License Holding Company, Inc. (“Civic”),¹ licensee of WLBT-TV, Jackson, Mississippi, by its attorneys and pursuant to the Commission’s *Notice of Proposed Rule Making* (“*Notice*”) in the above-captioned proceeding, hereby respectfully submits these reply comments in support of Civic’s proposal to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 9 as the station’s paired DTV allocation for the transition period in lieu of Channel 51, as originally allotted. By these reply comments, Civic urges the Commission to grant the proposed channel substitution for WLBT-DT (or the “Station”), to deny the Comments in Opposition to Rule Making filed by Gene A. Blailock (“Blailock Opposition”),² and to deny the Counterproposal to the DTV channel change filed by Vicksburg Channel 35 Associates, LLC

¹ Civic is a subsidiary of Cosmos Broadcasting Corporation.

² Comments in Opposition to Rule Making filed by Gene A. Blailock in MM Docket No. 01-43, RM-10041 on April 13, 2001 (“Blailock Opposition”).

("Channel 35 Associates Counterproposal").³ Civic also amends its Comments to state that Civic will seek authority to increase power to 18 kW ERP, instead of 20 kW ERP, pursuant to the interference agreement provisions of 47 C.F.R. § 73.623(g).

BACKGROUND

In its Petition for Rule Making filed May 1, 2000 ("Petition"), Civic explained that the proposed channel substitution of Channel 9 would improve signal coverage for viewers in the Jackson, Mississippi DMA, ensuring effective service replication. Civic stated that the new channel would reduce the impact of the DTV build-out and operating costs and that the channel change also potentially would permit the sharing of certain analog and digital equipment.

On May 1, 2000, Civic also submitted a maximization application for WLBT-DT concurrently with its Petition for Rule Making along with requests for waivers that might be necessary to permit grant. The application, which was an attachment to the Petition, reflects Civic's intent to maximize WLBT-DT's facilities and operate at a power level higher than that otherwise permitted under the Commission's rules (*i.e.*, higher than the 3.2 kW identified in the Petition). WLBT-DT can maximize facilities by obtaining an interference agreement pursuant to Section 73.623(g).⁴ As Civic explained in an attached waiver request, it prepared and submitted the maximization application for Channel 9 on May 1, 2000. This approach provided full and timely notice of WLBT-DT's maximization plans, given that the Commission would not have had the opportunity to act on the Petition. In this manner, Civic best satisfied Congress' filing

³ Counterproposal to the DTV channel change filed by Vicksburg Channel 35 Associates, LLC in MM Docket No. 01-43, RM-10041 on April 13, 2001 ("Channel 35 Associates Counterproposal").

⁴ 47 C.F.R. § 73.623(g). Civic is in the process of completing the agreement and will submit the agreement upon execution.

requirements, pursuant to the Community Broadcasters Protection Act of 1999 (“CBPA”),⁵ so as to provide notice and ensure protection of the proposed maximized facilities.

On April 13, 2001, in response to the Commission’s *Notice*, Civic filed comments in support of the proposed channel substitution. Civic noted that upon grant of the channel substitution, it promptly would seek authority to maximize to 20 kW ERP pursuant to the Commission’s interference agreement provisions. In the interim, Civic has re-evaluated the proposed maximized facilities pursuant to updated engineering software and now has determined that WLBT-DT would be limited to 18 kW ERP instead of 20 kW ERP as previously stated to comply with the Commission’s interference standards. Accordingly, Civic hereby amends its comments to state that upon grant of the proposed channel substitution, Civic promptly would seek authority to increase power to 18kW ERP.

I. WLBT-DT’S CHANNEL CHANGE AND MAXIMIZATION IS PERMITTED BY BOTH THE LETTER AND SPIRIT OF THE CBPA.

Blailock opposes the WLBT-DT channel change because the proposed maximization would displace its low power station WBMS-LP, which serves Jackson, Mississippi on adjacent Channel 10. Blailock argues that because WBMS-LP is eligible for Class A status, the station is protected from displacement by WLBT-DT’s channel change and maximization.

As an initial matter, Civic believes it is entirely appropriate to address Blailock’s argument at the allotment stage despite that its opposition actually addresses the WLBT-DT maximization application. The source of Civic’s interest in substituting Channel 9 for WLBT-DT is the ability to maximize facilities. This is why Civic worked to submit the Petition and maximization by May 1, 2000, the date established by Congress for broadcasters to specify

⁵ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 – 1501A-598 (1999), *codified at* 47 U.S.C. § 336(f) (“CBPA”).

protected maximized facilities.⁶ Operation of WLBT-DT on Channel 9 limited to the reduced 3.2 kW would not provide adequate service replication and therefore would not be in the public interest. Accordingly, Civic wishes to state clearly that it will not seek the substitution of Channel 9 unless assured that the maximization application will be granted. Because maximization is so intertwined with the WLBT-DT channel change request, Civic accordingly will address Blailock's two arguments: (1) that the WLBT-DT maximization application does not comport with the CBPA's May 1, 2000 deadline; and (2) that the maximization application does not resolve a "technical problem."

A. WLBT-DT's Maximization Application on Channel 9 Was Timely Filed and Thus Is Protected by the CBPA.

Blailock argues in a footnote⁷ that the facilities proposed in the WLBT-DT maximization application do not qualify as having superior protection to WBMS-LP. The CBPA, however, provides that full power stations are permitted to maximize DTV facilities irrespective of interference with new Class A stations so long as the station provided a notice of intent to maximize by December 31, 1999, and submitted a bona fide maximization application by May 1, 2000.⁸ Congress prohibited the Commission from granting a Class A application to a low power station that would interfere with a full power station "seeking to maximize power under the Commission's rules, if such station has complied with the notification requirements."⁹ In the CBPA, Congress mandated that full power broadcast stations have a complete and meaningful

⁶ 47 U.S.C. § 336(f)(1)(D)(ii).

⁷ *Blailock Opposition* at n.1.

⁸ 47 U.S.C. § 336(f)(1)(D)(ii).

⁹ 47 U.S.C. § 336(f)(7)(A)(ii)(IV). The Commission has not yet granted such an application to WBMS-LP.

opportunity to maximize DTV facilities, subject to the condition that the details of specific maximization proposals be known by May 1, 2000. Blailock argues that because Civic sought a waiver of the “normal processing rules,”¹⁰ it did not file a “bona fide application for maximization”¹¹ and thus does not qualify for superior status over WBMS-LP.¹²

Contrary to Blailock’s assertions, the WLBT-DT maximization application qualifies for protection even if Civic filed an associated waiver request. Indeed, the filing of the waiver request precisely demonstrates the bona fide nature of the application. According to Black’s Law Dictionary, “bona fide” is defined as “[i]n or with good faith; honestly, openly, and sincerely; without deceit or fraud.”¹³ The WLBT-DT maximization application satisfies this definition. In addition to filing the maximization application with the Commission, Civic submitted a copy of the maximization application as an attachment to its Petition for Rule Making, establishing it as a part of this proceeding. Given the five month period between the CBPA’s enactment and May 1, 2000, it was not possible for Civic to obtain grant of the channel change prior to the maximization application deadline. In filing the WLBT-DT maximization application by May 1, Civic fully complied with Congress’ plain intention that the details of a maximization application be publicly known by the required date.¹⁴ Accordingly, the WLBT-DT maximization application qualifies as bona fide within the meaning of the CBPA.

¹⁰ Blailock Opposition at n.1.

¹¹ 47 U.S.C. § 336(f)(1)(D)(ii).

¹² Blailock goes on to state, however, that it “does not believe it is necessary to resolve [this] issue.” Blailock Opposition at n.1. To the contrary, this issue stands at the primacy of the statutory analysis despite Blailock’s decision to raise the point in a footnote.

¹³ BLACK’S LAW DICTIONARY 177 (6th ed. 1990).

¹⁴ Civic timely submitted its “Notice of Intent to Maximize DTV Facilities” for WLBT-DT on December 21, 1999.

Blailock's contention that Civic's waiver request renders the WLBT-DT application inferior cannot be supported. Without the waiver, WLBT-DT could not have availed itself of the meaningful opportunity to maximize, as Congress plainly intended. The issuance of a waiver serves as a critical component of the Commission's ability to enforce its regulatory rules and policies; and, in this case, the waiver permits the Commission to conform its treatment of WLBT-DT's application to the requirements of the CBPA. The Commission may waive any provision of its rules or orders if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹⁵ The Court of Appeals for the D.C. Circuit has stated that a waiver may permit a more rigorous adherence to an effective regulation by allowing the agency to take into account considerations of hardship, equity, or more effective implementation of overall policy on an individualized basis.¹⁶ In the CBPA, Congress did not explicitly account for the details surrounding the WLBT-DT channel change and maximization application, but its intent to protect maximization applications filed before May 1, 2000 is express and unqualified. Accordingly, the fact that a waiver is warranted in these circumstances does not taint the maximization application but instead permits the Commission here to account for hardship, equity, and more effective implementation of overall policy and to meet the statutory requirements. Civic complied with both the letter and spirit of the CBPA and, accordingly, WBMS-LP may not interfere with the maximized facilities of WLBT-DT on Channel 9.

¹⁵ *Northwest Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) *citing* *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) ("*WAIT Radio*").

¹⁶ *WAIT Radio*, 418 F.2d at 1157. Under the *WAIT Radio* doctrine, the Commission is bound to consider waiver requests. *Id.* at 1159.

The WLBT-DT channel change request and maximization application satisfy Congress' intention to provide DTV broadcasters with a full opportunity to maximize and to have the specifics of such maximization known by a date certain through the filing of an application on or before May 1, 2000. Accordingly, the protection of WLBT-DT's proposed channel substitution and maximization is consistent with the CBPA, and the Commission should deny the Blailock Opposition and grant WLBT-DT's channel change and maximization application.

B. The Proposed Channel Substitution Would Resolve "Technical Problems."

Because Civic submitted its Petition and maximization application by May 1, 2000, grant of WLBT-DT's maximized operations on Channel 9 is permitted without regard to the resolution of technical problems. Yet, even if Civic had not met this deadline, its proposed maximization for WLBT-DT would be protected. Congress further provided in the CBPA that a maximizing DTV station can change channels to resolve technical problems without having to protect impacted Class A stations. So long as full power stations satisfied notification requirements, Congress intended to preserve the ability of those stations to maximize, going so far as permitting stations to change DTV channels to do so:

If, after granting certification of eligibility for a class A license, technical problems arise requiring an engineering solution to a full-power station's allotted parameters or *channel assignment* in the digital television Table of Allotments, the Commission shall make such modification as necessary . . . (ii) to permit maximization.¹⁷

Blailock primarily argues that the Commission cannot grant the WLBT-DT channel change and maximization because Civic fails to cite resolution of technical problems as a basis. As an initial matter, Blailock has misinterpreted the CBPA. As argued above, Civic only needed

¹⁷ 47 U.S.C. § 336(f)(1)(D) (emphasis added).

to satisfy the December 31, 1999 notice requirement and May 1, 2000 application deadlines to ensure protection of the maximized WLBT-DT facilities on Channel 9. Nonetheless, in response to the Blailock Opposition, Civic herein states that the proposed channel change will, in fact, resolve certain technical problems, and that the WLBT-DT channel change and maximization thereby warrants protection on these grounds as well.

Congress and the Commission have not adopted a narrow definition of “technical problems.” The Commission, for example, declined to require full-service stations requesting an adjustment to the DTV Table “on this basis to demonstrate that the adjustment can *only* be made in this fashion.”¹⁸ Instead, the Commission concluded that Congress’ preference of maximization rights for full power stations did not warrant imposing additional obligations.¹⁹ Indeed, the Commission reiterated its policy in the recent *Reconsideration Order*, in which it states,

We believe the transition to DTV is strengthened by affording full-service broadcasters flexibility in developing engineering solutions to *technical problems*. Our DTV rules and licensing process are designed to afford flexibility to DTV broadcasters in order to ease the DTV transition.²⁰

Civic stated in the Petition that its proposed DTV channel change would permit effective maximization on a VHF channel with improved signal coverage. It is commonly known that DTV field tests have demonstrated that 8-VSB operation on high VHF-channels offers superior service availability than other channels and helps resolve the difficulties of providing robust

¹⁸ *Class A Order* at ¶ 64 (emphasis original).

¹⁹ *Id.*

²⁰ Establishment of a Class A Television Service, *Memorandum Opinion and Order on Reconsideration*, MM Docket No. 00-10, FCC 01-123, ¶ 68 (rel. April 13, 2001) (“*Reconsideration Order*”).

DTV service. In addition, operation on Channel 9 would reduce tower structural loading through the use of WLBT-DT's smaller transmission line, which could in turn permit space for other DTV stations to co-locate and operate from a community tower. Moreover, if the proposed channel change is granted, major changes to the utility power supply for the existing facility would not be necessary to operate the maximized DTV station. Furthermore, if Channel 9 is allotted to WLBT-DT, Civic could employ the existing space and, for the foreseeable future, would not need to add space to the station's transmitter facility building. Although Blailock may unreasonably assert that these technical problems do not rise to a level justifying the displacement of WBMS-LP, the Commission consistently has recognized that smaller market stations such as WLBT are disproportionately burdened by the implementation of digital television.²¹ Moreover, Congress refused to establish a "minimum level" of technical problems required to justify displacement but instead clearly intended that maximizing stations have priority. Accordingly, the CBPA requires WBMS-LP, as a prospective Class A station, to protect WLBT-DT as a DTV station that seeks to substitute channels, to maximize power and to resolve technical problems. Because the proposal would resolve these technical problems, the Commission accordingly should deny the Blailock Opposition and grant the proposed channel substitution for WLBT-DT on these grounds as well.

II. AS AN EXISTING STATION, WLBT HAS PRIORITY OVER THE COUNTERPROPOSAL OF A NEW ANALOG STATION.

The Channel 35 Associates propose the assignment of Channel 9 to their proposed new analog broadcast station instead of to WLBT-DT. This Counterproposal, however, is inferior to

²¹ See, e.g., *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Fifth Report and Order*, MM Docket 87-268, 12 FCC Rcd 12809, ¶ 78 (1997) (explaining why smaller market stations would have a later construction deadline).

WLBT-DT under the Commission's rules and policies. As Channel 35 Associates' Counterproposal explains, Channel 35 Associates filed its application for Channel 59 during the filing window announced in the *Public Notice* released November 22, 1999 at the suggestion of the Commission's staff.²² In that *Notice*, the Commission expressly stated its policy regarding the priority of DTV allotments and proposals over new analog allotments: "Amendments to existing petitions to add a new NTSC channel allotment must meet the minimum distance separations to DTV stations as provided in Section 73.623(d). As indicated above, the term 'DTV stations here includes DTV authorizations, applications, allotments and proposals.'"²³ Under the Commission's policies, the new analog station proposed by Channel 35 Associates may not interfere with WLBT-DT's proposed allotment. Accordingly, the Commission must deny Channel 35 Associates' counterproposal and grant Civic's proposed channel substitution.

Throughout the implementation of the DTV transition, the Commission has demonstrated a "clear preference to move to full DTV implementation"²⁴ and has shaped its policies *vis a vis* new analog broadcast stations in accordance with that preference.²⁵ In the Commission's recent

²² Channel 35 Associates Counterproposal at 3. See Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations, *Public Notice*, 14 FCC Rcd 19559; 1999 FCC Lexis 5905 (Nov. 22, 1999).

²³ Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations, *Public Notice*, 14 FCC Rcd 19559; 1999 FCC Lexis 5905 at *13 (Nov. 22, 1999). The Commission applied this policy to the similar situation of an application for a new station in Mobile, Alabama on Channel 50 (FCC File No. BPCT-960920WX) that would have caused interference to facilities proposed in the channel substitution in Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Fort Walton Beach, Florida), *Notice of Proposed Rule Making*, 15 FCC Rcd 22365 (2000).

²⁴ Amendment of Section 73.622(b) Table of Allotments, Digital Broadcast Stations (Salt Lake City, Ogden and Provo, Utah), 15 FCC Rcd 10568, ¶ 10 (2000) ("*Salt Lake City*").

²⁵ See, e.g., Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Report and Order*, ¶¶ 112-113 (1997) (deleting all existing vacant

Biennial Review Report and Order, the Commission stated that it would “give priority to DTV expansion applications over all NTSC applications” except NTSC applications that fall within categories inapplicable here.²⁶ As the Commission stated in *Salt Lake City* when evaluating mutually exclusive proposals for a DTV channel substitution and a new analog channel proposed in a previously-filed petition for rule making, “the licensing of any future station on that channel is predicated on a finding that it will not have a significant negative impact on the development of DTV.”²⁷ In accordance with the Commission’s policies, proposals submitted by existing analog stations with paired DTV allotments, such as WLBT-DT, have priority over proposals submitted by new analog stations.

Moreover, Channel 35 Associates does not state that no other channels are available for its proposed television service.²⁸ Civic has determined (at its own expense) that other allotments

allotments to accommodate DTV allotments and stating that Commission’s evaluation of applications for modification of NTSC facilities will consider the impact on DTV allotments); *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348, ¶¶ 40-42 (1998) (affirming the superiority of DTV allotments to new NTSC stations located in the freeze areas).

²⁶ Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, *Report and Order and Further Notice of Proposed Rule Making*, MM Docket No. 00-39, FCC 01-24, ¶ 52 (rel. Jan. 19, 2001) (“*Biennial Review Report and Order*”). Channel 35 Associates’ current “application proposed for grant in [a] pending settlement” can no longer be granted and thus does not qualify for protection by the May 1, 2000 WLBT-DT maximization application.

²⁷ Amendment of Section 73.622(b) Table of Allotments, Digital Broadcast Stations (Salt Lake City, Ogden and Provo, Utah), 15 FCC Rcd 10568, ¶ 11 (2000) (citing *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Sixth Report and Order*, 12 FCC Rcd 14588, 14635 (1997); *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348, 1366-68 (1998)) (“*Salt Lake City*”).

²⁸ In *Salt Lake City*, the availability of other channels for the applicant of a new analog broadcast station weighed in favor of the proposed channel substitution for the DTV station. See

are available for use by Channel 35 Associates.²⁹ For example, Channel 47 is just one possible allotment that would accommodate Channel 35 Associates' new analog station. Upon further review, Channel 35 Associates should be able to discover a suitable allotment for its new analog station that does not impact an existing analog station's transition to DTV. Accordingly, the Commission should deny the Channel 35 Associates Counterproposal and grant Civic's proposal as set forth in the *Notice*.

CONCLUSION

In light of the foregoing and for the reasons previously set forth in the Petition, the Commission should deny the Blailock Opposition and the Channel 35 Associates Counterproposal and grant Civic's proposed channel substitution for WLBT-DT. Civic respectfully requests that the Commission promptly adopt the changes proposed in the *Notice* and amend Section 73.622(b) of its Rules to substitute Channel 9 for Channel 51 for use by WLBT-DT at the specified reference point in Jackson, Mississippi.

Respectfully submitted,

CIVIC LICENSE HOLDING COMPANY, INC.

By: 

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Salt Lake City at ¶ 11 ("Moreover, Tooele 36 does not claim that no other channel is available to it to pursue its objective to provide service to Tooele, Utah, whereas DTV Utah asserts that other channels are so available.").

²⁹ See Exhibit A (Technical Statement of du Treil, Lundin and Rackley).

EXHIBIT A

Technical Statement

TECHNICAL EXHIBIT
COMMENTS IN PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
MM DOCKET NUMBER 01-43
STATION WLBT-DT
JACKSON, MISSISSIPPI

Technical Statement

This Technical Statement and associated Figures have been prepared on behalf of WLBT-DT in support of further comments in the *Petition for Rule Making* to modify the DTV allotment of WLBT-DT from channel 51 to channel 9. This exhibit will provide an alternative channel for the Vicksburg Channel 35 Associates, LLC. Counterproposal.

Alternate DTV Channel for Vicksburg Channel 35 Associates

Vicksburg Channel 35 Associates, LLC. (herein "VCA") requested, as a counterproposal, Channel 9 as a replacement channel for its pending Channel 35 Vicksburg NTSC allotment application. The Channel 9 counterproposal is mutually exclusive with the WLBT-DT Channel 9 proposal. An allocation study was performed, and an alternate channel in lieu of Channel 9 was determined for VCA.

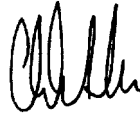
In accordance with Section 73.623(c) of the Commission's Rules, Channel 47 could be allocated at the VCA proposed reference coordinates as a digital facility. Figure 1 is a summary of the *de minimis* allocation study. The proposed facilities are tabulated below:

State & City	DTV Channel	DTV ERP (kW)	Antenna Radiation Center	Antenna HAAT (m)
MS, Vicksburg	47	240	336 m AMSL	318 m
Note: Non-Directional Antenna				
Reference Coordinates: 32° 25' 37" N. Latitude/091° 13' 15" W. Longitude				

The proposed alternate Channel 47 for VCA would serve a slightly larger population and service area than the Channel 9 proposal. Using the OET-69 DTV service and interference calculation procedures, the proposed Channel 9 would provide interference-free service to 321,700 persons over an area of 21,690 square kilometers. The proposed Channel 47 facility would serve 326,000 persons over 22,465 square kilometers. Therefore, Channel 47 would offer service to an additional 4,300 persons over an area of 775 square kilometers with respect to the Channel 9 proposal. A coverage map of the Channel 47 proposal is provided in Figure 2.

Using the standard FCC propagation curves, interference is predicted to be caused to Class A eligible station K47DW at Alexandria, Louisiana. However, using the OET-69 analysis, no interference is predicted to K47DW from the proposed Channel 47 at Vicksburg.

Other DTV channels, besides Channel 47, also appear feasible.

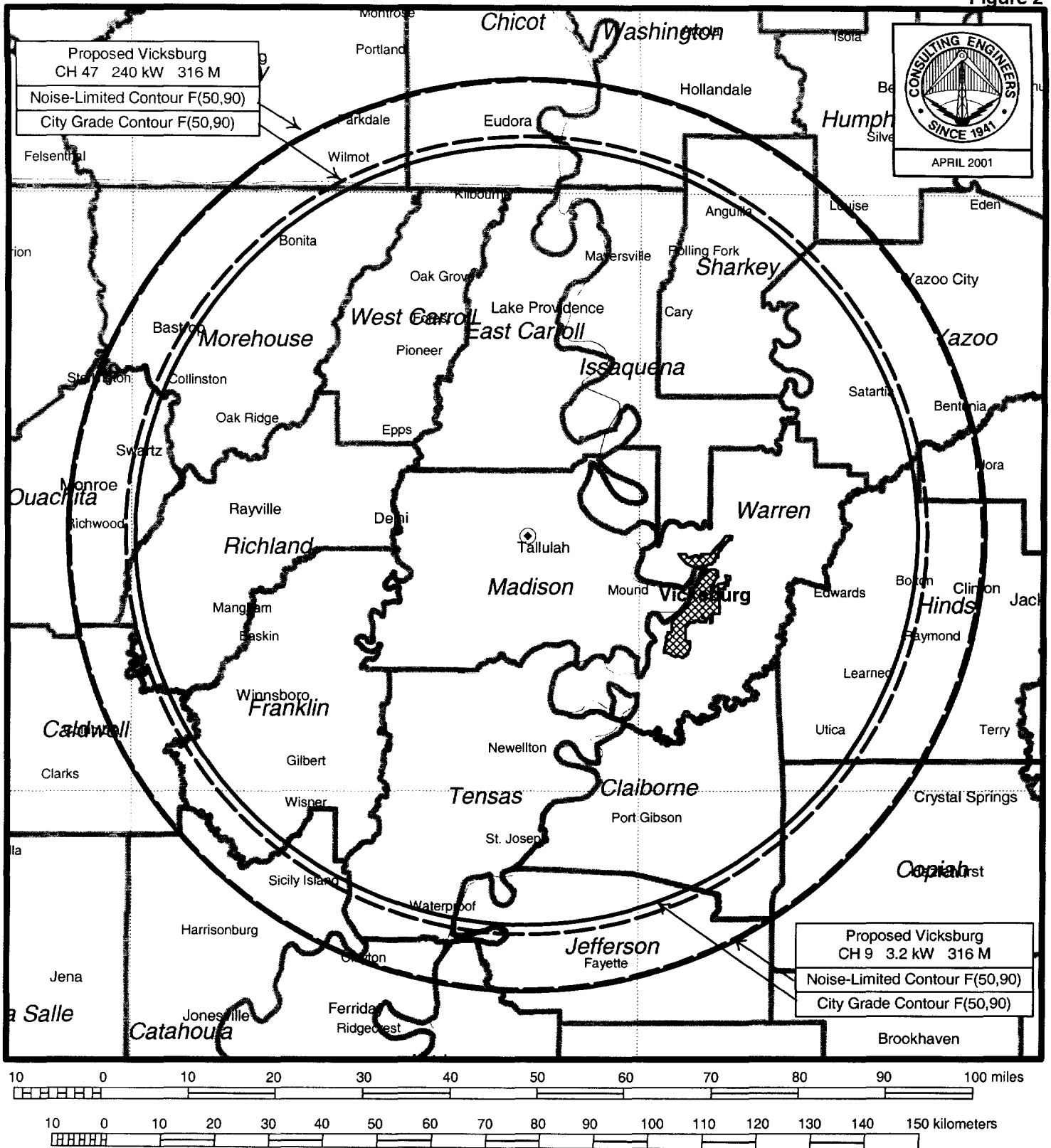


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April 27, 2001

Figure 2



TECHNICAL EXHIBIT
 COMMENTS IN PETITION FOR RULE MAKING TO
 MODIFY THE DTV ALLOTMENT TABLE
 MM DOCKET NUMBER 01-43
 STATION WLBT-DT
 JACKSON, MISSISSIPPI

Summary of OET-69 Allocation Analysis

Facility	Channel	NTSC or DTV?	Baseline Service Population (1990)	Permissible IX(%)	Net New IX Caused by Proposed (1990)	Percent of Baseline (%)
New NTSC Yazoo City, MS	32	NTSC	97,533	No Interference Predicted		
KMCT-TV West Monroe, LA	39	NTSC	260,767	No Interference Predicted		
WBDB Jackson, MS	40	NTSC	614,174	No Interference Predicted		
New NTSC El Dorado, AR	43	NTSC	342,082	No Interference Predicted		
WDTL-TV Greenville, MS	44	NTSC	178,875	No Interference Predicted		
WPMI-DT Mobile, AL Allotment/CP Application	47	DTV	1,040,702	No Interference Predicted		
KETS-DT Little Rock, AR Allotment	47	DTV	1,039,252	2.0	1,047	0.10
KETS-DT Little Rock, AR Construction Permit	47	DTV	1,039,252	2.0	709	0.07
New NTSC Hattiesburg, MS	47	NTSC	132,983	2.0	41	0.03
WNTZ Natchez, MS	47	NTSC	178,413	No Interference Predicted		

Analysis based upon OET-69 Grid Spacing of 2 square kilometers.

CERTIFICATE OF SERVICE

I, Vanese Hawkins , a secretary at the law firm of Dow, Lohnes & Albertson, do hereby certify that on this 30th day of April, 2001, the foregoing "REPLY COMMENTS OF CIVIC LICENSE HOLDING COMPANY, INC." were served via first class mail to the following:

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